

IN THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF NORTH
DAKOTA EASTERN DIVISION

LuAnne Janssen, as Personal Representative of
the Estate of Warren S. Lindvold,

Plaintiff,

-VS-

City of Valley City,
Christopher Olson,
Wade Hannig,
Barnes County,
Barnes County Sheriff Randy McClafin,
Julie Forsman,
Jenna Jochim,
Richard Chase,
Bruce Potts,
Jesse Burchill,
Barnes County Ambulance, Inc.,
National Medical Resources, Inc.,
Mercy Hospital of Valley City d/b/a CHI
Mercy Health,

Defendants.

Civil No. 3:19-cv-79

**PLAINTIFF'S SUPPLEMENTAL
ANSWERS TO DEFENDANT CITY OF
VALLEY CITY, CHRISTOPHER
OLSON, & WADE
HANNIG'S INTERROGATORIES TO
PLAINTIFF (SET I)**

For her Supplemental Answers to defendants' interrogatories Plaintiff LuAnne Janssen deposes and states:

INTERROGATORIES

INTERROGATORY NO. 10: Describe in detail, all the damages, losses, and expenses (including economic and non-economic damages alleged in the Amended Complaint) you are seeking against each of the City Defendants, including the factual basis underlying such alleged damages, losses, and expenses, how you calculated such damages, losses, and expenses, and the nature of said damages, losses, property, and expenses, and describe in detail and not in summary fashion each and

every invoice, bill, order, change order, memorandum, check, authorization for payment, or other document of any kind whether written or electronic which you claim supports your claim for damage, losses, and expenses.

ANSWER TO INTERROGATORY NO. 10: See Plaintiff's Rule 26 Disclosures concerning economic damages including medical expenses and funeral expenses.

OBJECTION. This question is beyond the scope of allowable discovery. The question requires disclosure of trial preparation material and attorney work product protected by Rule 26(b)(3) of the Federal Rules of Civil Procedure and would necessarily require disclosure of the mental impressions, conclusions, opinions and legal theories of plaintiff's attorneys. Disclosure of the requested information necessarily requires disclosure of legal counsel's work product consisting of the information they have assembled including their case strategies that they have pursued or adopted as derived from interviews, statements, memoranda, correspondence, briefs, legal and factual research, personal beliefs, and other tangible or intangible means. Noneconomic damages are damages arising from pain, suffering, inconvenience, physical impairment, disfigurement, mental anguish, emotional distress, fear of injury, loss or illness, loss of society and companionship, loss of consortium, injury to reputation, humiliation, and other nonpecuniary damage. The determination of damages for pain and suffering and comparable losses is not susceptible of an arithmetical calculation. Its ascertainment must, to a large degree, depend upon the common knowledge, good sense, and practical judgment" of the fact finder. *Albrecht v. Metro Area Ambulance*, 2001 ND 61, ¶ 12; *Dahlen v. Landis*, 314 N.W.2d 63, 68 (N.D.1981). See also *Reisenauer v. Schaefer* 515 N.W.2d 152, 157 (N.D.1994).

SUPPLEMENTAL ANSWER: Without waiving the above objection Plaintiff provides the following information. Plaintiff is seeking the following economic damages:

1. Funeral expenses in the amount of \$12,674.00. The documentation of the funeral expenses has previously been disclosed in Plaintiff's Rule 26 disclosures at Plaintiff's Rule 26 Disclosures 03691 "Oliver-Nathan Chapel Funeral Purchase Contract."

2. Medical Expenses in the amount of \$252,338.87 for medical care received by Warren Lindvold from July 15, 2018 through July 21, 2018. Medical care was provided by the following providers:

Barnes County Ambulance:	\$4368.07
Mercy Hospital:	\$9,508.73
Sandford Health:	\$238,462.07

The chart that follows breaks down the individual charges by date and provider and also shows what was paid by Medicare and BCBS for each charge along with reference to the pages of either Plaintiff's Disclosures or Warren Lindvold's medical records which were previously disclosed to all defendants.

Date	Provider/Procedure code	Charge	Medicare paid (negotiated reduction)	BCBS paid (negotiated) Reduction)	disclosure doc # P=Plaintiff's M=MED
7-15	Durrani/93291**	693.00	172.87		P5308, P P3875
7-15	Durrani/99292**	310.00	86.59		P5308, P3875
	Total	1003.00		66.19	P3696
7-15	Kassim/93919**	30.00	6.64	1.69	P 5309, P3696, P3875
7-15	Habli/36620**	142.00	34.80	8.88	P5310, P3696, P3876
7-15	Erenberg/00670	3822.00	596.96 (3072.76)	152.28	P5311, P3696, P3876, M2082
7-15	Huska (Hus)/99291**	693.00	172.87	44.10	P5312, P3696, P3876
7-15	Potter/63081**	915.80	182.10		P5313, P3876
7-15	Potter/22843**	427.80	84.69		P5313, P3876
7-15	Potter/63015**	774.60	76.19		P5313, P3876
7-15	Potter/22845**	429.20	75.38		P5313, P3876
7-15	Potter/22600**	671.00	66.82		P5313, P3876
7-15	Potter/22554**	652.60	65.12		P5313, P3876
7-15	Potter/22614**	1231.20	243.10		P5314, P3876
7-15	Potter/22585**	177.20	34.08		P5314, P3876
7-15	Potter/22854**	177.00	33.89		P5314, P3877
	Potter total	5456.40		219.74	P5314, P3696
7-15	Rey/72141	219.00	58.66 (145.37)	14.97	P5315, P3696, P3877, M2062
7-15	Peters/72131	276.00	37.37		P5316, P3878
7-15	Peters/72125	276.00	41.87		P5316, P3878
7-15	Peters/70450	232.00	31.62		P5316, P3878
7-15	Peters/72128	295.00	37.37		P5316, P3878
	Peters total	1079.00		37.81	P5316, P3696
7-15	Jackson/63081**	4579.00	1338.95		P5317, P3877
7-15	Jackson/22843**	2139.00	622.67		P5317, P3877
7-15	Jackson/63015**	3873.00	560.19		P5317, P3877
7-15	Jackson/22845**	2146.00	554.28		P5317, P3877
7-15	Jackson/22600**	3355.00	491.29		P5317, P3877
7-15	Jackson/22554**	3263.00	478.81		P5317, P3877
7-15	Jackson/22614**	6156.00	1787.57		P5318, P3877
7-15	Jackson/22585**	886.00	250.65		P5318, P3877
7-15	Jackson/22854**	885.00	249.14		P5318
7-16	Jackson/99024	0			
	Jackson total	27579.00		1638.86	P3696
7-15	Jackson/99284**	297.00	90.72		P3877
7-15	Michelle Mora(MIC)/95939	3053.00	104.70		P5319, P3878
7-15	Michelle Mora(MIC)/95938	1843.00	40.38		P5319, P3878
7-15	Michelle Mora(MIC)/95937	550.00	30.08		P5319, P3878
7-15	Michelle Mora(MIC)/G0453	1584.00	112.43		P5319, P3878
7-15	total	7030.00		73.36	P5319, P3696
7-15	Barnes Ambulance/A0429	1019.98	355.99		P5320, P3878, P3878
7-15	Barnes Ambulance/A0425	9.10	3.51		P5320, P3878
	Total	1029.08		91.70	P3696

7-15	Barnes Ambulance /A0429	1019.98	355.99		P5321, P3878
7-15	Barnes Ambulance /A0425	11.38	4.38		P5321, P3878
	Total	1031.36		91.93	P3696
7-15	Barnes Ambulance /A0429	1019.98			P5322
7-15	Barnes Ambulance /A0425	1287.65	380.30		P5322, P3878
	Total	2307.63		97.02	P3696
7-15	Mercy Hospital	9508.73	3237.79	1578.09	P5323, P5324, P3696, P3875
7-15 to 7-16	Sanford Hospital	188254.68	45544.38 (141370.29)	1340.00	P5325, P5326, P3696, P3875, M2102 - 2108
7-16	NG/71045	23.00	7.20	1.84	P5327, P3697, P3880
7-16	Rey/72040	47.00	8.90	2.27	P5328, P3697, P3880
	Total	70.00	(49.79)		M2060
7-16	Arif Shaik(Ari)/99291**	693.00			P5330
7-16	Arif Shaik(Ari)/36556**	594.00			P5330
	Total	1287.00		63.74	P3697
7-16	Swenson/70450	154.00		8.55	P5329, P3697
7-16	Swenson/74177	233.00	72.08		P5331, P3879
7-16	Swenson/71260	166.00			P5331
	Total	553.00	150.51 (250.04)	30.28	P3697, M2097
7-16	Sahr/99291**	257.00	78.54		P3878
7-17	Sahs/99291**	693.00	172.87		P3878
7-17	Weilke/71045	23.00	7.20 (13.96)	1.84	P5332, P3697, M2074
7-17	Rey/76775	76.00	22.76 (47.44)	5.80	P5333, P3697, M2099
7-18	?/99291**	693.00			
7-18	Albrecht/93970	89.00	28.88 (55.26)	6.86	P5334, P3697, M2078
7-18	Weilke/71045	23.00	7.20 (13.96)	1.84	P5335, P3697, M2088
7-19	Man/93010	30.00		1.69	P5336, P3697
7-19	Sahr/99291**	693.00	172.87	44.10	P5337, P3697, P3880
7-19	CAT/71045	23.00			P5338
7-19	CAT/71045	23.00			P5338
	Total	46.00	14.40 (27.92)	3.68	P3697, M2085
7-20	Sahr/99233**	264.00	81.44	20.78	P5339, P3880
	Total all	252,338.87	59,499.96	5649.89	P3696-3697, P3875-3880
**	These charges are itemized on a single Sanford Health Statement at MED 2095 - 2096	38820.40	8694.51 (27907.89)	2218.00	MED 2095 - 2096

The following documents have been used to determine and support the claim for economic damages:

- CHI Mercy Health Billing records (Plaintiff's Rule 26 Disclosures 00165 – 00166) showing Mercy Hospital Charges for July 15, 2018 and Medicare payments and adjustments.
- Sanford Billing Records (Plaintiff's Rule 26 Disclosures 00169 – 00193) showing Sanford Hospital Charges for July 15, 2018 and Medicare payments and adjustments.
- Oliver-Nathan Chapel Funeral Purchase Contract (Plaintiff's Rule 26 Disclosures 03691)
- BCBS medical payments made (Plaintiff's Rule 26 Disclosures 03695 – 03697)
- Medicare Conditional Payment Letter (Plaintiff's Rule 26 Disclosures 03870 – 03880)
- Mercy Health billing records MED1705 – MED1706
- Sanford Health billing records MED2060 – MED2119

INTERROGATORY NO. 12: As a result of the injuries alleged in your Amended Complaint to have been suffered, list the name and address of every person or institution which has provided goods or services resulting in expense to you or Warren Lindvold (whether paid directly by you or Warren Lindvold or on your behalf or Warren Lindvold's behalf), whether it be for medical supplies, hospital, medical, chiropractic or rehabilitation services, or any other type of goods or services provided to you or Warren Lindvold or for your or Warren Lindvold's benefit; and, for each, indicate the approximate date or dates on which the goods, services or supplies were provided, the amount charged by the provider, the amount which has been paid, and if payment

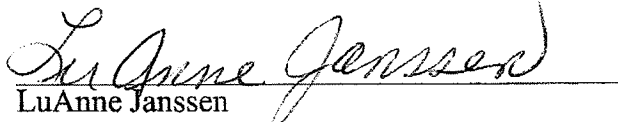
has been made by someone other than yourself, the identity of the person or institution which has made payment.

ANSWER TO INTERROGATORY NO. 12: See Plaintiff's Rule 26 Disclosures.

SUPPLEMENTAL ANSWER: Without waiving the above objection Plaintiff provides the following information. All the requested information is contained in the Supplemental Answer to Interrogatory No. 10.

I declare, certify and state under penalty of perjury that the foregoing is true and correct. (As provided by 28 U.S. Code § 1746).

Executed on this 4th day of September, 2020.


LuAnne Janssen
Personal Representative for the Estate of Warren S. Lindvold

AS TO FORM AND OBJECTIONS ONLY:

Dated: September 4, 2020

/s/ Alan Baker

Alan Baker (ND ID 04122)
Southwood Plaza, Ste. 202
1336 25th Ave. S.
Fargo, ND 58103
701-630-1846
al@elawpros.com
Attorney for Plaintiff

Dated: September 4, 2020

/s/ Rachel M. Gehrig

Rachel M. Gehrig (ND ID 06968)
Cash H. Aaland (ND ID 04686)
Aaland Law Office
415 11th St. S.
Fargo, ND 58103
701-232-7944
officemanager@aalandlaw.com
Attorneys for Plaintiff